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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.

O God of time and eternity, source of all life and fountain of all blessings, accept our thanksgiving and praise. Today, be a shepherd to our law-makers, enabling them to lie down in the green pastures of Your providence and to walk beside the calm waters of Your blessings. Inspire them to dedicate themselves to speak for life, to act for justice, to work for peace, and to

strive to serve You with faithfulness. May they respond to Your abiding love with grateful service.

Lord, be merciful to all who labor for liberty. Bless them. Look on them with kindness so that they may know Your will.

We pray in Your merciful Name. Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-59 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman*.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, Senator DURBIN will be recognized to speak for 10 minutes. Following his remarks, the Senate will resume consideration of the motion to proceed to the DREAM Act. The time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

At 11 a.m., the Senate will proceed to a series of two to three rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the DREAM Act. If cloture is not invoked, the second vote would be on the motion to invoke cloture on the motion to proceed to H.R. 847, the James Zadroga 9/11 Health and Compensation Act. If cloture is not invoked on the 9/11 bill, I may move to reconsider the previously failed cloture vote on the motion to proceed. And then, of course, we have—what I have said here, Madam President, is if we do not invoke cloture on the 9/11 bill, I will likely move to reconsider that vote, so we can move to that at some subsequent time. And I also will likely sometime today move to reconsider the previously failed cloture vote on the motion to proceed to the Defense authorization bill.

Several Senators will deliver their farewell speeches to the Senate today. Senator BENNETT of Utah will deliver his remarks following the votes this morning. Senator BUNNING will speak at 1 p.m. today, and Senator DORGAN will deliver his remarks at 2 p.m. this afternoon.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3992

Mr. REID. Madam President, we have a piece of legislation that passed last night in the House of Representatives. I received a call last night, I guess around 9:30 or 10 o'clock, from both the majority leader and the Speaker that the so-called DREAM Act had passed in the House. That changes things over here. It changes things because we had

been toiling on this for a long time, and now that it has passed the House, the appropriate way to proceed would be to have a vote on that matter, because if we are able to pass it, it goes directly to the President.

Having said that, I think it would be futile for us to have a vote on a motion to invoke cloture on a bill we know will not matter. So what we will do is, I am going to ask consent to vitiate the vote that is scheduled for 11 o'clock on the DREAM Act, and to alert everyone, we have not given up on the DREAM Act. Quite the opposite. It having passed the House gives us more energy to move forward on this most important piece of legislation.

The stories that relate to this DREAM Act are compelling to me, of these young men and women who want to be able to complete their education, want to be able to go into the military and serve their country and, in the process, they are not guaranteed citizenship, they are guaranteed that they will not be arrested or deported. They will be given a green card to prove that they are eligible for citizenship. So we are going to proceed and do everything we can to pass what the House did.

Having said that, Madam President, I ask unanimous consent that the vote scheduled on the DREAM Act at 11 o'clock be vitiated.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Georgia.

Mr. ISAKSON. Madam President, on behalf of our leadership, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, it is my understanding Senator DURBIN is to be recognized at this time for up to 10 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the Senator from Illinois is recognized to speak for up to 10 minutes.

Mr. DURBIN. Thank you, Madam President.

DREAM ACT

Mr. DURBIN. Madam President, 10 years ago, I received a telephone call in my Chicago office that I have recounted on this floor many times. But it started me on a journey that resulted in where we stand today on the passage of the DREAM Act. It was a phone call from a Korean-American mother with an amazing daughter who was a musical prodigy who had been accepted at the Juilliard School of music in the Acting President pro tempore's home State of New York.

This excited young woman, in filling out the application, came to the question about her citizenship and nation-

ality and turned to her mother and said: What do I put here? And her mother had to tell her the sad news that when that young girl was brought to America from Korea, at the age of 2, the mother did not file any papers and so that young girl was literally undocumented, literally illegal in the eyes of some.

She asked us for help. What can we do to help in this situation? Here was a bright young woman, with a bright future, who had done everything right and excelled in so many ways. We contacted the Immigration Service and they said: It is too bad. Under American law, this young girl—who never consciously did anything wrong in her life—was a person without a country. Her only recourse at the age of 18 was to return to Korea—a country she had no knowledge of, could not speak the language, and had never visited anytime in her life.

When I heard about that, I thought that was fundamentally unfair. This young woman did nothing wrong. The mother made the mistake. The mother did not file the papers. And now her life was in shambles, and uncertain because of it.

So I put in a bill which basically said: If you are in that situation, where you were brought to America at a young age, and then proceed to do the right thing with your life—go to school, make certain you were a good member of your community—we will give you a chance when you have graduated from high school, a chance to prove yourself, that you were going to be a good citizen in America.

You could prove it one of two ways. You could do a noble act for America, stand up and volunteer to serve in our Armed Forces, literally prepared to risk your life for this great Nation—and if you did that, then we would put you on the path to legalization—or if you didn't choose the military service, you could prove it by your educational achievement.

Now, most of the people we are talking about are not Korean or Polish or Filipino. They are Hispanic, and the numbers tell us the odds are against the young people we are talking about. Half of them don't finish high school. Only 5 percent of these undocumented students end up going into a college of any kind. Think about those odds: 50-50 that you will finish high school and 1 out of 20 that you will even enter college.

So we put up a high wall and said: You have to clear this wall to prove that you are not only a good person but that you desperately want to be part of America's future. That is the DREAM Act.

In the process we said: We are going to ask you more questions than we ask of a Congressman or a Senator. We are going to ask questions about your background, your moral character, your knowledge of English. We are going to follow you closely and carefully, and if you stumble along the